

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH JUISTI : CIVIL ACTION
: :
v. : :
: :
CITY OF CHESTER, et al. : NO. 18-2317

ORDER

AND NOW, this 22nd day of October, 2018, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that the motions of defendants to dismiss the complaint (Docs. ## 13 and 16) are GRANTED in part as follows:

(1) Count I of the complaint, "Violation of Title VII—Reverse Race Discrimination," is dismissed as to defendants Otis Blair and Marilyn Lee;

(2) Count II of the complaint, "Violation of the Americans with Disabilities Act of 1990," is dismissed as to defendant Otis Blair;

(3) Count III of the complaint, "Retaliation under Title VII and the Americans with Disabilities Act," is dismissed as to defendants Thaddeus Kirkland, Otis Blair, James Nolan, Steven Gretsky, Marilyn Lee, and William Shaw, and to the extent that it alleges retaliation under the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.;

(4) Counts IV and V of the complaint, "Violation of 42 U.S.C. § 1983," are dismissed in their entirety;

- (5) Count VI of the complaint, "Violation of 42 U.S.C. § 1985(2)," is dismissed in its entirety;
- (6) Count VII of the complaint, "Intentional Infliction of Emotional Distress," is dismissed in its entirety;
- (7) Count VII of the complaint, "Breach of the Duty of Fair Representation," is dismissed as to defendant Randy Bothwell;
- (8) Count IX of the complaint, "Civil Conspiracy," is dismissed in its entirety; and
- (9) the motions to dismiss are otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.